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NOTICE OF ALLOWANCE AND FEE(S) DUE

86942

7590

01/27/2010

Meyertons, Hood, Kivlin, Kowert, Goetzel/Symantec
P.O. Box 398
Austin, TX 78767-0398

EXAMINER

WANG, RONGQUA PHILIP

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 01/27/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,416	08/21/2003	Ophir Rachman	6002-08801	9242

TITLE OF INVENTION: METHOD AND APPARATUS FOR PACKAGING AND STREAMING INSTALLATION SOFTWARE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	04/27/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

86942 7590 01/27/2010

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE; address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,416	08/21/2003	Ophir Rachman	6002-08801	9242

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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	04/27/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
WANG, RONGFA PHILIP	2191	717-100000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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86942	7590	01/27/2010	EXAMINER	
WANG, RONG/A PHILIP				
ART UNIT			PAPER NUMBER	

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 734 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 734 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/646,416

Examiner

PHILIP WANG

Applicant(s)

RACHMAN ET AL.

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 11/13/2009.
2. ☒ The allowed claim(s) is/are 1-3,5,8-11,13-18 and 22-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Philip R. Wang/ Patent Examiner
1/12/2010

DETAILED ACTION

1. This office action is in response to RCE filed on 11/13/2009.
2. Per Applicant's request, claims 1-3, 5, 6, 8-11, 13-17, 22-24, 27, 29 have been amended; claims 4, 7, 34 and 35 are canceled.
3. The 35 USC §112 rejections of claims 1-11, 13-17, and 22-35 have been withdrawn in view of the Applicant's amendment to the claims.
4. Claims 1-3, 5, 8-11, 13-18, and 22-33 are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in communication with Dean M. Munyon (Reg. No. 42,914) on January 12, 2010 to obviate any potential issues and to put the claims in condition for allowance.

5. The application has been amended as follows:
 1. (Currently Amended) A method comprising:
a computer system converting an installation package usable to install a software application on a target processing system from a first format to a second format, wherein the first format does not permit streaming of the installation package, wherein the second format permits

streaming of the installation package, and wherein said converting includes replacing a first actual file in the installation package with a first dummy file and replacing a second actual file in the installation package with a second dummy file, wherein the first and second dummy files are subsequently replaceable at the target processing system with the first and second actual files, respectively, and wherein each of the first and second dummy files includes a respective header, and wherein remaining portions of the first and second dummy files are made up of null content; and

the computer system streaming the converted installation package to the target processing system over a network, wherein said streaming causes the converted installation package to configure the target processing system for execution of the software application.

6. (Canceled)

8. (Currently Amended) A method comprising:

a client computer system receiving, over a network, an installation package, wherein the installation is usable to install a software application on the client computer system, and wherein the installation package includes one or more dummy files, each of which corresponds to one or more actual files that are not included in the installation package, wherein each of the one or more dummy files includes a header, wherein a remaining portion of each of the one or more dummy files includes content not present in its corresponding one or more actual files;

the client computer system subsequently receiving, over the network, a first of the one or more actual files, wherein the first actual file corresponds to a first of the one or more dummy files;

the client computer system replacing the first dummy file in the installation package with the first actual file; and

the client computer system using the installation package and the first actual file to configure the client computer system to install the software application

18. (Currently Amended) A method of creating an installation package to be streamed to a target system to configure the target system for execution of a software application in a streaming mode, the method comprising:

a computer system extracting, from an installation package including a plurality of files including a set ~~or more archive files, the set~~ of archive files, wherein the installation package is usable to install the software application, and wherein the installation package is in a form not formatted for streaming;

the computer system creating a list of all of the files in the installation package;

the computer system creating a list of streamlets for all of the files in the installation package;

the computer system classifying each of the files in the installation package as belonging to either a first type or a second type, the first type representing all of the files in the installation package which are normally installed on a system for purposes of installing the software

application, the second type representing all of the files in the installation package which are not of the first type;

the computer system, for each file of the first type which is not an archive file, creating a dummy file of the same size with a special header and nullifying all of the other files of the first type;

the computer system creating a dummy archive file for any files of the first type which are contained in an archive file;

the computer system creating a dummy installation image including each said dummy file, each said dummy archive file, and each said file of the second type; and

the computer system creating the streaming installation package to include the dummy installation image, application information and a database, wherein the database contains the software application and indicates a segmenting of the application into streamlets, and wherein the application information represents only the files of the second type in the dummy installation image.

22. (Currently Amended) An apparatus comprising:

means for converting an installation package usable to install a software application on a target processing system from a first format to a second format, wherein the first format is compatible with a standardized installation format and does not permit streaming of the installation package, and wherein the second format is compatible with the standardized installation format and permits streaming of the installation package, wherein converting the installation program includes replacing a first actual file in the installation package with a first

dummy file and replacing a second actual file in the installation package with a second dummy file, wherein the first and second dummy files are subsequently replaceable with the first and second actual files, respectively, wherein the first and second dummy files each include a respective header, wherein a remaining portion of the first dummy file includes content not present in the first actual file; and wherein a remaining portion of the second dummy file includes content not present in the second actual file; and

means for streaming the converted installation to the target processing system, wherein said streaming causes the target processing system to be configured to execute the software application.

-end of currently amended claims-

6. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach the limitation "wherein said converting includes replacing a first actual file in the installation package with a first dummy file and replacing a second actual file in the installation package with a second dummy file, wherein the first and second dummy files are subsequently replaceable at the target processing system with the first and second actual files, respectively, and wherein each of the first and second dummy files includes a respective header, and wherein remaining portions of the first and second dummy files are made up of null content;," as similarly recited in independent claims 1, 8, 10, 14, 18 and 22.

The closest cited prior art: USPGN 2003/0004883 by Holler et al. teaches a method of streaming an application comprising converting an application to a format for streaming. Holler's conversion is based on building an installation block to be used when installing the application to a target system. The building of the installation block in Holler does not appear to disclose replacing any dummy file comprising nullified content, for example, as presented in the limitation of the claims. It does not specifically disclose the above limitations as recited in the claim language of independent claims. Other recited prior art does not appear to disclose such limitation either.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8 - 44:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2191

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip R. Wang/ 1/12/2010

Patent Examiner